



UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 18 2003

**OFFICE OF PETITIONS**

In re Application of  
Michael L. Rudd et al  
Application No. 09/975,292  
Filed: October 10, 2001  
Attorney Docket No. 10010045-1

:  
:  
: DECISION GRANTING PETITION  
: UNDER 37 CFR 313(c)(2)  
:

This is a decision on the petition, filed December 4, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Although the petition was not accompanied by a separate Request for Continued Examination under 37 CFR 1.114, and in order to expedite withdrawal of this application from issue, the statement embodied in the petition will be construed as the Request for Continued Examination. Petitioner should in the future submit a separate paper in requesting a Request for Continued Examination under 37 CFR 1.114.

**P**etitioner is advised that the issue fee paid on October 20, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

The file will be forwarded to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.



Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Rudd, et al

Serial No.: 09/975,292

Filed: October 10, 2001

For: **System and Method for Personalizing an  
Electrical Device**

Group Art Unit: 2835

Examiner: Datskovskiy, Michael

Docket No. 10010045-1

**PETITION TO WITHDRAW APPLICATION FROM ISSUE  
PURSUANT TO 37 C.F.R. 1.313(c)(2)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

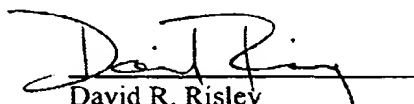
Applicants hereby petition the Commissioner to withdraw the above-identified application from issue pursuant to 37 C.F.R. § 1.313(c)(2) in favor of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. The issue fee in this application was timely paid on October 20, 2003. The fee required by § 1.313(a) as set forth in § 1.17(h) is appended hereto.

Included is an Information Disclosure Statement (IDS) that identifies newly discovered art. Applicant submits, however, that this new art does not negate the patentability of applicant's claims.

The Commissioner is authorized to charge Deposit Account No. 08-2025 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 08-2025.

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01 FC:1460 130.00 DA

Respectfully submitted,

  
David R. Risley  
Registration No. 39,345